

**SUPREME COURT MINUTES
WEDNESDAY, APRIL 12, 2006
SAN FRANCISCO, CALIFORNIA**

S019697**PEOPLE v. WARD**

On the court's own motion, the order appointing Robert H. Howell as appellate and habeas corpus counsel of record for condemned prisoner Carmen Lee Ward, filed September 15, 1994, is hereby vacated as to all further habeas/executive clemency representation.

Howell continues to be responsible for all remaining appellate duties set forth in Supreme Court Policies Regarding Cases Arising From Judgments of Death, policy 3, standards 1-1 and 2-1.

The Habeas Corpus Resource Center is hereby appointed to represent condemned prisoner Carmen Lee Ward for all the habeas corpus/executive clemency proceedings related to the above automatic appeal now final in this court.

Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed...within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1.1.1), and it will be presumed that any successive petition filed within that period is justified or excused (See *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of prior habeas corpus counsel's Failure to discharge his duty to investigate and, if appropriate, present a habeas corpus petition on behalf of Condemned prisoner Carmen Lee Ward.

Howell is directed to deliver to the Habeas Corpus Resource Center, within 30 days from the filing of this order, all clerk's and reporter transcripts in *People v. Ward* (S019697), all habeas corpus investigation work and trial files, and all investigation reports, and related materials obtained from the condemned prisoner Carmen Lee Ward's trial counsel, paralegals, experts and investigators, or from any other source.

Werdegar, J., was absent and did not participate.

S037302**PEOPLE v. HINTON (ERIC L.)**

Rehearing denied. On the court's own motion the opinion is modified.
Petition for rehearing denied.

Werdegar, J., was absent and did not participate.

S037302

Opinion modified - no change in judgment.

S037302

150 day statement.

S131048 B160417 Second Appellate District, Div. 8**PEOPLE v. SHABAZZ**

Opinion modified - no change in judgment

Werdegar, J., was absent and did not participate.

S141643 B176810 Second Appellate District, Div. 6 **SANTA BARBARA, CITY OF v. S.C. (JANEWAY)**

Petition for review granted. The issue to be briefed and argued is limited to the following: Can a public agency's release of liability for recreational activities be effective as to ordinary negligence under Civil Code section 1668, as interpreted by *Tunkl v. University of California* (1963) 60 Cal.2d 92, but not as to gross negligence?

Werdegar, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

S141278 D046692 Fourth Appellate District, Div. 1 **NATIONAL STEEL & SHIPBUILDING v. S.C. (GODINEZ)**

Petition for review granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *Murphy v. Kenneth Cole Productions, Inc.*, S140308 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court. Werdegar, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

S141711 B184760 Second Appellate District, Div. 5 **MILLS v. S.C. (BED, BATH & BEYOND)**

Petition for review granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *Murphy v. Kenneth Cole Productions, Inc.*, S140308 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court. Werdegar, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

S141653 B185622 Second Appellate District, Div. 6 **ARCIGA v. W.C.A.B. (KENDALL JACKSON WINE)**

Petition for review granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division Six, with directions to vacate its order denying the writ petition and to issue a writ of review to be heard before the court when the proceeding is ordered on calendar. Werdegar, J., was absent and did not participate.

Votes: George, C.J., Kennard, Chin, Moreno, and Corrigan, JJ.

S130191 H025445 Sixth Appellate District **PEOPLE v. RISTAU**

Transferred to CA 6 after hold.

The above-entitled matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Salas* (2006) 37 Cal.4th 967. (Cal. Rules of Court, rule 29.3(d).) Werdegar, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

S138455 B175732 Second Appellate District, Div. 1

PEOPLE v. YOUNG

Transferred to CA 2/1 after hold.

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division One, with directions to vacate its decision and to reconsider the cause in light of *People v. Salas* (2006) 37 Cal.4th 967. (Cal. Rules of Court, rule 29.3(d).)

Werdegar, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

S140628 B174903/B181120 Second Appellate District, Div. 1

PEOPLE v. CASTILLO

PEOPLE v GALARZA

Petitions for review denied.

Werdegar, J., was absent and did not participate.

S140631 B175089 Second Appellate District, Div. 1

PEOPLE v. DIAZ

Petition for review denied.

Werdegar, J., was absent and did not participate.

S140646 B174376 Second Appellate District, Div. 3

PEOPLE v. VASQUEZ

Petitions for review denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Cage*, S127373, or after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

Werdegar, J., was absent and did not participate.

S140652 G034147 Fourth Appellate District, Div. 3

PEOPLE v. LOYER

Petitions for review denied.

Werdegar, J., was absent and did not participate.

S140744 B177201 Second Appellate District, Div. 8

PEOPLE v. JACKSON

Petition for review denied.

Werdegar, J., was absent and did not participate.

S140753 C046923 Third Appellate District

PEOPLE v. MURPHY

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.

Kennard, J., is of the opinion the petition should be granted.

Werdegar, J., was absent and did not participate.

S140755 A111092 First Appellate District, Div. 3

**BENSON (FRANK KENNETH) ON
H.C.**

Petition for review denied.

Kennard, Werdegar, and Moreno, JJ., are of the opinion the petition should be granted.

S140778 B177068 Second Appellate District, Div. 4

PEOPLE v. WHEELER

Petition for review denied.

Werdegar, J., was absent and did not participate.

S140782 B177760 Second Appellate District, Div. 2

**GARAMENDI v. CALIFORNIA
COMPENSATION INSURANCE, et
al.**

Petition for review denied.

Werdegar, J., was absent and did not participate.

S140805 D044714Fourth Appellate District, Div. 1

PEOPLE v. HAYES

Petition for review denied.

Werdegar, J., was absent and did not participate.

S140806 D046307Fourth Appellate District, Div. 1

R. (JESSE), IN RE

Petition for review denied.

Kennard, J., is of the opinion the petition should be granted.

Werdegar, J., was absent and did not participate.

S140809 E036726Fourth Appellate District, Div. 2

PEOPLE v. TAVIE

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v.*

Washington (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law. The request for an order directing partial publication of the opinion is denied.

Kennard and Moreno, JJ., are of the opinion the petition should be granted.

Werdegar, J., was absent and did not participate.

S140819 B175776Second Appellate District, Div. 2

**KARAPETIAN v. GARIBIAN &
ASSOCIATES**

Petition for review & publication request denied.

Request for judicial notice denied.

Werdegar, J., was absent and did not participate.

S140842 B175293Second Appellate District, Div. 2

PEOPLE v. RICH

Petition for review denied.

Werdegar, J., was absent and did not participate.

S140844 E036107 Fourth Appellate District, Div. 2
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. MAGANA

S140852 C048011 Third Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. SCARSELLA

S140853 C048887 Third Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. PHILLIPS

S140861 A112678 First Appellate District, Div. 2
Petition for review denied
Werdegar, J., was absent and did not participate.

PAGE v. S.C. (PEOPLE)

S140868 B181836 Second Appellate District, Div. 4
Petition for review denied.
Respondent's motion for sanctions denied.
Werdegar, J., was absent and did not participate.

LOPEZ v. U.C. REGENTS

S140870 B176380 Second Appellate District, Div. 2

Petition for review denied.
Werdegar, J., was absent and did not participate.

**BLUE v. PASADENA UNIFIED
SCHOOL DISTRICT**

S140875 A105209/A108981 First Appellate District, Div. 3
Petition for review denied.
Werdegar, J., was absent and did not participate.
Corrigan, J., was recused and did not participate.

PEOPLE v. CANCELLA

S140891 B183280 Second Appellate District, Div. 4
Petition for review denied.
Werdegar, J., was absent and did not participate.

JACKSON (DONALD) ON H.C.

S140903 H029621 Sixth Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

BRATTON (HENRY R.) ON H.C.

S140904 E039595 Fourth Appellate District, Div. 2
Petition for review denied.

CHAVEZ v. S.C. (PEOPLE)

Werdegar, J., was absent and did not participate.

S140909 A109532 First Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

UNG v. KOEHLER

S140933 D045064 Fourth Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. NAVA

S140934 H028644 Sixth Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

REYES (PROCOPIO) ON H.C.

S140937 B188181 Second Appellate District, Div. 7

Petition for review denied.
Werdegar, J., was absent and did not participate.

**CASAMENTO (MICHAEL S.) ON
H.C.**

S140942 C045859 Third Appellate District
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

PEOPLE v. GLEFFE

S140946 D045848 Fourth Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

FUENTES (GILBERT) ON H.C.

S140976 A107911 First Appellate District, Div. 5

Petition for review denied.
Werdegar, J., was absent and did not participate.

**SAN FRANCISCO, CITY &
COUNTY OF v. JEN**

S140987 C046800 Third Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. HARRIS

S140990 C050149 Third Appellate District

Petition for review & depublication request denied.
Request for judicial notice denied.

**PROGRESSIVE WEST
INSURANCE v. S.C. (PRECIADO)**

Motion to strike the filing of the answer to the petition for review denied.
Chin, J., is of the opinion the petition should be granted.
Werdegar, J., was absent and did not participate.

S140991 B179156 Second Appellate District, Div. 2
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. BRANCH

S141010 A112819 First Appellate District, Div. 4
Petition for review denied.
Corrigan, J. was recused and did not participate.
Werdegar, J., was absent and did not participate.

BARTON (HARRY W.) ON H.C.

S141056 B181028 Second Appellate District, Div. 7
Petition for review & publication request denied.
Werdegar, J., was absent and did not participate.

**PEOPLE v. RANGER
INSURANCE COMPANY**

S141061 F044484 Fifth Appellate District
Petition for review denied. Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S.220, on California law.
Werdegar, J., was absent and did not participate.

PEOPLE v. VICTOR

S141069 B177899 Second Appellate District, Div. 2
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. SILVA

S141075 C051754 Third Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

STIPE (JERRY D.) ON H.C.

S141092 C047644 Third Appellate District
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S.220, on California law.
Werdegar, J., was absent and did not participate.

PEOPLE v. AGUIRRE

S141098 A106799 First Appellate District, Div. 5
Petition for review denied.

PEOPLE v. BROWN

Kennard, J., is of the opinion the petition should be granted.
Werdegar, J., was absent and did not participate.

S141116 A112786 First Appellate District, Div. 4

Petition for review and application for stay denied.
Werdegar, J., was absent and did not participate.

**SHARPER IMAGE v. S.C.
(ROBERTSON)**

S141143 E037348 Fourth Appellate District, Div. 2

Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. HENDERSON

S141146 H028134 Sixth Appellate District

Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. QUIROZ

S141147 E036625/E036635 Fourth Appellate District, Div. 2

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

PEOPLE v. HARRIS

S141153 B187445 Second Appellate District, Div. 6

Petition for review denied.
Werdegar, J., was absent and did not participate.

**GOODMAN (STEVEN) ON
H.C.**

S141156 B188343 Second Appellate District, Div. 6

Petition for review denied.
Werdegar, J., was absent and did not participate.

**MARIAN v. CITY OF SAN
BUENAVENTURA**

S141172 B188496 Second Appellate District, Div. 1

Petition for review denied.
Werdegar, J., was absent and did not participate.

**GREENWOOD (GEORGE
G.) ON H.C.**

S141175 F045726 Fifth Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. TUCKER

S141232 B174505 Second Appellate District, Div. 8

Petition for review denied.
Werdegar, J., was absent and did not participate.

**FLEISCHMAN v.
FRIEDMAN**

S141235 B181639 Second Appellate District, Div. 5
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

PEOPLE v. WATSON

S141242 B183857 Second Appellate District, Div. 7
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. HABOUD

S141252 B178657 Second Appellate District, Div. 6
Petition for review denied.
Kennard and Moreno, JJ., are of the opinion the petition should be granted.
Werdegar, J., was absent and did not participate.

PEOPLE v. MONTESINOS

S141259 H028024 Sixth Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. BALLARD

S141262 B176677 Second Appellate District, Div. 4
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. RIVERA

S141279 E036968 Fourth Appellate District, Div. 2
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. GARCIA

S141283 D045211 Fourth Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. ALVAREZ

S141292 B177908 Second Appellate District, Div. 7

Petition for review denied.
Baxter, J., is of the opinion the petition should be granted.
Werdegar, J., was absent and did not participate.

**LOS ANGELES, CITY OF v.
ANIMAL DEFENSE LEAGUE**

S141308 C048307 Third Appellate District

Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. THOMAS

S141317 B176819 Second Appellate District, Div. 7

Petition for review denied.
Werdegar, J., was absent and did not participate.

HOLDER v. JUN

S141321

Petition for writ of review denied.
Motion to dismiss is denied as moot.
Werdegar, J., was absent and did not participate.

NRG POWER v. P.U.C.

S141328 B188880 Second Appellate District, Div. 1

Petition for review denied.
Werdegar, J., was absent and did not participate.

**CLARK v. APPELLATE DIVISION
OF S.C. (OSTERKAMP)**

S141348 D045925 Fourth Appellate District, Div. 1

Petition for review & publication request denied.
Werdegar, J., was absent and did not participate.

**BRAZIL v. SARA LEE
CORPORATION**

S141356 B183153 Second Appellate District, Div. 3

Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. SIMMONS

S141367 H027648 Sixth Appellate District

Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. JOHNSON

S141371 B178312 Second Appellate District, Div. 6

Petition for review denied without prejudice to any relief which defendant might be entitled after this court decides *People v. Giles*, S129852.
Werdegar, J., was absent and did not participate.

PEOPLE v. PONCE

S141372 A107182 First Appellate District, Div. 2

PEOPLE v. KIRTLEY

Petition for review denied.

Werdegar, J., was absent and did not participate.

S141380 A105751 First Appellate District, Div. 2

Petition for review denied.

Werdegar, J., was absent and did not participate.

PEOPLE v. QUISPE

S141404 C047805 Third Appellate District

Petition for review denied.

Werdegar, J., was absent and did not participate.

PEOPLE v. MARTIN

S141407 C049431 Third Appellate District

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S.220, on California law.
Werdegar, J., was absent and did not participate.

PEOPLE v. SINCLAIR

S141408 C049370 Third Appellate District

Petition for review denied.

Werdegar, J., was absent and did not participate.

PEOPLE v. BURKHARDT

S141410 B182414 Second Appellate District, Div. 7

Petition for review denied.

Werdegar, J., was absent and did not participate.

**COX v. INGLEWOOD UNIFIED
SCHOOL DISTRICT**

S141411 B180615 Second Appellate District, Div. 7

Petition for review denied.

Werdegar, J., was absent and did not participate.

RAINE v. CITY OF BURBANK

S141413 G036471 Fourth Appellate District, Div. 3

Petition for review denied.

Werdegar, J., was absent and did not participate.

PEOPLE v. CARRILLO AVENA

S141416 A108035 First Appellate District, Div. 3

Petition for review denied.

Werdegar, J., was absent and did not participate.

PEOPLE v. HOLLOMAN

S141421 F047410 Fifth Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. HUNT

S141429 D045249 Fourth Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

SCHUSTER v. HILTON

S141433 E035995 Fourth Appellate District, Div. 2
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

PEOPLE v. REYES

S141434 G034985 Fourth Appellate District, Div. 3
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

PEOPLE v. AGUILAR

S141435 E036301 Fourth Appellate District, Div. 2
Petition for review denied.
Werdegar, J., was absent and did not participate.

BEYER v. BOYLAND

S141438 B117225 Second Appellate District, Div. 4
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. SALAZAR

S141439 A110423 First Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

R. (BRANDON), IN RE

S141452 B184045 Second Appellate District, Div. 4
Petition for review denied.
Werdegar, J., was absent and did not participate.

JOHNSON (AARON) ON H.C.

S141454 B178460 Second Appellate District, Div. 7
Petition for review denied.
Werdegar, J., was absent and did not participate.

GRANOFF v. WALKER-JOHNSON

S141456 C051768 Third Appellate District

**CONAWAY PRESERVATION
GROUP v. S.C. (YOLO COUNTY
BOARD OF SUPERVISORS)**

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141457 B179146 Second Appellate District, Div. 7

TORRES v. TORRES

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141458 B179663 Second Appellate District, Div. 2

**VANNIER v. GATEWAY
COMPANIES**

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141463 B179314 Second Appellate District, Div. 2

PEOPLE v. COLLIER

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

S141478 D044963 Fourth Appellate District, Div. 1

RAUBER v. ARMSTRONG

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141479 A107062 First Appellate District, Div. 5

PEOPLE v. JOHNSON

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

S141491 B181088 Second Appellate District, Div. 5

PEOPLE v. KRIZMAN

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Cage*, S127344, *People v. Izaguirre*, S132980, *People v. Reed*, S136345, and *People v. Sloan*, S132605.
Werdegar, J., was absent and did not participate.

S141493 B182106 Second Appellate District, Div. 6

PEOPLE v. DOWD

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141494 E037366 Fourth Appellate District, Div. 2
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. MENA

S141499 B180304 Second Appellate District, Div. 4

Petition for review denied.
Werdegar, J., was absent and did not participate.

**ACCENT CONSTRUCTION
CO. and PARTNERS
A&W BUILDERS**

S141505 A109811/A110306 First Appellate District, Div. 5
Petition for review denied.
Werdegar, J., was absent and did not participate.

S. (D.) , IN RE

S141507 F045999 Fifth Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. TUCKER

S141513 D046590 Fourth Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. MCFARLAND

S141514 B172804 Second Appellate District, Div. 4
Petition for review denied.
Werdegar, J., was absent and did not participate.

C. (ROBERTO), IN RE

S141520 B167287/B171369 Second Appellate District, Div. 8

Petition for review denied.
Werdegar, J., was absent and did not participate.

**KELLY v. STAMPS.COM,
INC.**

S141522 B175944 Second Appellate District, Div. 1
Petition for review denied
Werdegar, J., was absent and did not participate.

PEOPLE v. LUCKEY

S141523 E036063 Fourth Appellate District, Div. 2 **PEOPLE v. WALLACE**
Appellant Wallace's petition for review DENIED. Appellant Molina's petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

S141527 H028066 Sixth Appellate District **PEOPLE v. COLIN**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141528 E037862 Fourth Appellate District, Div. 2 **PEOPLE v. BOWIE**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141530 H029477/H029028 Sixth Appellate District **LETENDRE (DERWIN N.)
ON H.C.**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141532 F045753 Fifth Appellate District **PEOPLE v. SISNEROZ**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141551 D045614 Fourth Appellate District, Div. 1 **TILARO v. THORSON**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141555 B179324 Second Appellate District, Div. 5 **THREE JW PARTNERSHIP
v. ALLEN WEISS**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141556 B171456 Second Appellate District, Div. 8 **PEOPLE v. GONZALEZ**
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

S141559 G034208 Fourth Appellate District, Div. 3 **N. (LAUREN), IN RE**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141560 B180848 Second Appellate District, Div. 4 **PEOPLE v. SOLANO**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141563 C046607 Third Appellate District **PEOPLE v. ALFREDO
RODRIGUEZ**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141570 B169227 Second Appellate District, Div. 8 **PEOPLE v. BERKELEY
RODRIGUEZ**
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

S141572 B179035 Second Appellate District, Div. 3 **PEOPLE v. POLK**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141573 H028135 Sixth Appellate District **PEOPLE v. ROBERTS**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141576 B179873 Second Appellate District, Div. 6 **PEOPLE v. JERONN**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141581 A108881 First Appellate District, Div. 1 **PEOPLE v. MITCHELL**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141582 C049055 Third Appellate District **PEOPLE v. LACHAPPELLE**
Petition for review denied.
Werdegar, J., was absent and did not participate.

S141583 C049421 Third Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. VADEN

S141584 F046970 Fifth Appellate District
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S.220, on California law.
Baxter, J., was recused and did not participate.
Werdegar, J., was absent and did not participate.

PEOPLE v. TABAREZ

S141586 B178715 Second Appellate District, Div. 6
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. PENDLETON

S141587 B177543 Second Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

MA v. JOHNSON

S141591 H028351 Sixth Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. LEWIS

S141593 A107420 First Appellate District, Div. 1
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

PEOPLE v. HOLZHAUSER

S141595 C047280 Third Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. RAINIMA

S141597 E038150/E038152/E038153 Fourth Appellate District, Div. 2
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. ALVAREZ

S141601 A108711 First Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

RUMIE v. MARTINUS

S141602 A112926 First Appellate District, Div. 4
Petition for review denied.
Werdegar, J., was absent and did not participate.

JACKSON v. S.C. (PEOPLE)

S141607 C048070 Third Appellate District

Petition for review denied.
Werdegar, J., was absent and did not participate.

**ROSA v. BOARD OF
ACCOUNTANCY**

S141613 A108767 First Appellate District, Div. 4
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. LATCHISON

S141614 A108368 First Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

SYKES v. SYKES

S141615 A107085/A107486 First Appellate District, Div. 2

Petition for review denied.
Werdegar, J., was absent and did not participate.

**KAIROS SCIENTIFIC, INC.
v. FISH & RICHARDSON,
P.C. AND
CONSOLIDATED CASE**

S141616 B188172 Second Appellate District, Div. 4
Petition for review denied.
Werdegar, J., was absent and did not participate.

ABDELMESSIH v. RUCKER

S141622 A110250 First Appellate District, Div. 2
Petition for review denied.
Werdegar, J., was recused and did not participate.

LUIS (Z), IN RE

S141624 B154544 Second Appellate District, Div. 3
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. SPRADLEY

S141626 A108704 First Appellate District, Div. 5
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. GARDNER

S141628 B183445 Second Appellate District, Div. 2

**CONSTRUCTION
PROTECTIVE SERVICES
INC. v. S.C. (AGATEP)**

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141629 A105700 First Appellate District, Div. 1

PEOPLE v. JOHNSON

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S.220, on California law.
Werdegar, J., was absent and did not participate.

S141633 C046249 Third Appellate District

PEOPLE v. PHILLIPS

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law. Werdegar, J., was absent and did not participate.

S141634 B180920 Second Appellate District, Div. 1

PEOPLE v. O'KENNARD

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

S141637 D046838 Fourth Appellate District, Div. 1

M. (BABY GIRL), IN RE

Petition for review & depublication request denied.
Werdegar, J., was absent and did not participate.

S141639 B181596 Second Appellate District, Div. 2

PEOPLE v. MORA

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141643 B176810 Second District, Div. 6

**CITY OF SANTA BARBARA
v. S.C. (SANTA BARBARA)**

Petition for review granted.
Werdegar, J., was absent and did not participate.

S141644 G034037 Fourth Appellate District, Div. 3
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. SHERWIN

S141647 B188509 Second Appellate District, Div. 1

Petition for review denied.
Werdegar, J., was absent and did not participate.

**F.LLI MANFREDI S.P.A.
v. S.C. (GHARIBIAN)**

S141649 A113021 First Appellate District, Div. 1

Petition for review denied.
Werdegar, J., was absent and did not participate.

**GARCIA v. S.C. (ZAMORA-
CASTILLO)**

S141651 C048556 Third Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. VILLA

S141652 B175149 Second Appellate District, Div. 6

Petition for review & depublication request denied.
Werdegar, J., was absent and did not participate.

**DUNN v. COUNTY OF
SANTA BARBARA**

S141655 A112902 First Appellate District, Div. 4
Petition for review denied.
Werdegar, J., was absent and did not participate.

JACKSON v. S.C. (PEOPLE)

S141660 D044800 Fourth Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. FOWLER

S141663 B177072 Second Appellate District, Div. 6
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. VILLA

S141666 H029026 Sixth Appellate District
Petitions for review denied.
Werdegar, J., was absent and did not participate.

M. (EVAN), IN RE

S141674 B182038 Second Appellate District, Div. 1
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. JARAMILLO

S141682 C046161 Third Appellate District
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S.220, on California law.
Werdegar, J., was absent and did not participate.

PEOPLE v. ROBINSON

S141683 B181121 Second Appellate District, Div. 3
Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

PEOPLE v. ARZATE

S141688 C047538 Third Appellate District
Petition for review denied.
Werdegar, J., was absent and did not participate.

PEOPLE v. BUTLER

S141691 D046352 Fourth Appellate District, Div. 1

Petition for review denied.
Werdegar, J., was absent and did not participate.

**MAHNAZ AND SAEED
NAGHAVIAN, MARRIAGE
OF**

S141693 B177458 Second Appellate District, Div. 8

Petition for review denied.
Werdegar, J., was absent and did not participate.

**GRUSD v. ADMIRAL
INSURANCE COMPANY**

S141697 A111174 First Appellate District, Div. 4
Petition for review denied.
Werdegar, J., was absent and did not participate.

F. (DAVID), IN RE

S141698 A112190 First Appellate District, Div. 1

Petition for review denied.
Werdegar, J., was absent and did not participate.

**CROSS v. PUBLIC
STORAGE INC.**

S141704 B184601 Second Appellate District, Div. 8

Petition for review denied.

Werdegar, J., was absent and did not participate.

**SHOYINKA v. CITY OF
SANTA MONICA**

S141705 C048077 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. HALE

S141706 E039848 Fourth Appellate District, Div. 2

Application for stay and petition for review denied.

Werdegar, J., was absent and did not participate.

**CONSTANT v. COUNTY OF
SAN BERNADINO, et al.**

S141717 G034241 Fourth Appellate District, Div. 3

Petition for review denied.

Werdegar, J., was absent and did not participate.

PEOPLE v. SIFUENTES

S141718 B104306 Second Appellate District, Div. 2

Petition for review denied.

Werdegar, J., was absent and did not participate.

PEOPLE v. CHIU

S141722 B183719 Second Appellate District, Div. 2

Petition for review denied.

Werdegar, J., was absent and did not participate.

**JOSEF & VYACHESLAV
VOYLOKOV, MARRIAGE
OF**

S141728 B180662 Second Appellate District, Div. 1

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S.220, on California law.

Werdegar, J., was absent and did not participate.

PEOPLE v. LEE

S141729 C048184 Third Appellate District

Petition for review denied.

Werdegar, J., was absent and did not participate.

PEOPLE v. MARINO

S141733 D045774 Fourth Appellate District, Div. 1

Petition for review denied.

Werdegar, J., was absent and did not participate.

**F., (ANNETTE) v. S.,
(SHARON)**

S141739 B177075 Second Appellate District, Div. 8

PEOPLE v. THOMPSON

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S.220, on California law. Werdegar, J., was absent and did not participate.

S141740 B189094 Second Appellate District, Div. 7

**CONTRERAS (ENRIQUE)
ON H.C.**

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141748 B171639 Second Appellate District, Div. 3

PEOPLE v. BARNES

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law. Werdegar, J., was absent and did not participate.

S141751 E037570 Fourth Appellate District, Div. 2

PEOPLE v. STEPHENS

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141755 B173070 Second Appellate District, Div. 5

**GACKSTETTER v.
FRAWLEY**

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141756 B171066 Second Appellate District, Div. 8

PEOPLE v. BELL

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law. Werdegar, J., was absent and did not participate.

S141757 C048303 Third Appellate District

**CAMPAIGN FOR
CALIFORNIA
FAMILIES v
SCHWARZENEGGER**

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141760 E035841 Fourth Appellate District, Div. 2

**EDEN v. DESERT
REGIONAL MEDICAL
CENTER**

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141764 H027756 Sixth Appellate District

**TRABANO v. BENEFICIAL
CALIFORNIA, INC.**

Petition for review denied.
Werdegar, J., was absent and did not participate.

S141767 F046381 Fifth Appellate District

PEOPLE v. SANCHEZ

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

S141784

**OLMSTEAD v. CA
4/3 (ANTICEVICH)**

Petition for writ of mandate/prohibition denied
Werdegar, J., was absent and did not participate.

S141796 A106148 First Appellate District, Div. 2

PEOPLE v. BATTISTE

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S. 220, on California law.
Werdegar, J., was absent and did not participate.

S141797 B175736 Second Appellate District, Div. 3

PEOPLE v. WHEELER

Petition for review denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court determines in *Cunningham v. California*, No. 05-6551, the effect of *Blakely v. Washington* (2004) 542 U.S. 296 and *United States v. Booker* (2005) 543 U.S.220, on California law.
Werdegar, J., was absent and did not participate.

S141831

PEOPLE v. SMITH

Petition for writ of error coram vobis denied.
Werdegar, J., was absent and did not participate.

S141837 A113145 First Appellate District, Div. 1

**STRASBURG v. S.C.
(PEOPLE)**

Petition for review and application for stay denied.
Werdegar, J., was absent and did not participate.

S141841 B180245 Second Appellate District, Div. 2

PEOPLE v. MCKENZIE

Petition for review denied.

Werdegar, J., was absent and did not participate.

S141892 D047736 Fourth Appellate District, Div. 1

Petition for review denied.

Werdegar, J., was absent and did not participate.

MAYER v. S.C. (KOPP)

S141900 F049550 Fifth Appellate District

Petition for review and application for stay denied.

Baxter, J., was recused and did not participate.

Werdegar, J., was absent and did not participate.

**CALLAHAN v. S. C.
(PEOPLE)**

S063274

**THOMAS (RALPH I.) ON
H.C.**

The petition for writ of habeas corpus, filed August 1, 1997, is denied as to all claims except claim B, which was resolved via a separate opinion. (See *In re Thomas* (Mar. 6, 2006, S063274) __ Cal.4th __.) Claim A and claims C through N, including all subclaims, are denied on the merits. Except for claims B, L, M and N, all claims in the petition are denied as untimely. (See *In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark* 1993) 5 Cal.4th 750, 763-799.)

The following claims are also denied on the ground that they could have been, but were not, raised on appeal (see *In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756):
claims J and K.

Werdegar, J., was absent and did not participate.

S124101

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

MEDINA (JOSEPH) ON H.C.

S132436

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

**PEREIRA (RUBEN RICO)
ON H.C.**

S132896

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

**HOFFMAN (PIERRE L.) ON
H.C.**

S133094**DAILEY (ARGUSTA) ON
H.C.**

Petition for writ of habeas corpus denied.
Werdegarr, J., was absent and did not participate.

S133168**VALDEZ (RAUL) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750.)
Werdegarr, J., was absent and did not participate.

S133225**HASLIP (BUDDAUH) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Clark* (1993) 5 Cal.4th 750, 766; *In re Waltreus* 1965) 62 Cal.2d 218.)
Werdegarr, J., was absent and did not participate.

S133252**JOHNSON (GREGORY
ALAN) ON H.C.**

Petition for writ of habeas corpus denied.
Werdegarr, J., was absent and did not participate.

S133255**LACEY (VAL) ON H.C.**

Petition for writ of habeas corpus denied.
Werdegarr, J., was absent and did not participate.

S133301**LOPEZ (SALVADOR C.) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Werdegarr, J., was absent and did not participate.

S133310**LEYBA (ANTONIO) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750, 766.)
Werdegarr, J., was absent and did not participate.

S133315**ABURTO (HECTOR) ON
H.C.**

Petition for writ of habeas corpus denied.
Werdegarr, J. was absent and did not participate.

S133338**GARZA (MIGUEL) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Werdegar, J., was absent and did not participate.

S133349**JONES (TIMOTHY) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

Werdegar, J., was absent and did not participate.

S133405**HOOVER (MARK A.) ON
H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133453**WALLACE (JERMAINE) ON
H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133459**HUGHES (BRENICE) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

Werdegar, J., was absent and did not participate.

S133488**MCDANIELS (ROBERT) ON
H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

Corrigan, J., was recused and did not participate.

S133514**LOPEZ (RICHARD) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

Werdegar, J., was absent and did not participate.

S133518**STEPHENS (CHRIS) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

Werdegar, J., was absent and did not participate.

S133536**ESKRIDGE (JOE) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709.)

Corrigan, J., was recused and did not participate.

Werdegar, J., was absent and did not participate.

S133538**MUWWAKKIL (JAMEEL)
ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133549**SOUTHWARD (HENRICO)
ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Waltreus* (1965) 62 Cal.2d 218.)

Werdegar, J., was absent and did not participate.

S133596**VELASCO (JOSE) ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133620**POGUE (LEON) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300,304.)

Werdegar, J., was absent and did not participate.

S133651**JIMMERSON (BOBBY) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Werdegar, J., was absent and did not participate.

S133674**CALDWELL (MARK A.) ON
H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133683**WILLIAMS (COURTNEY)
ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133728

Petition for writ of habeas corpus denied.
Werdegar, J., was absent and did not participate.

JACKSON (JOHN) ON H.C.**S133740**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegar, J., was absent and did not participate.

GOODSON (KURT) ON H.C.**S133741**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegar, J., was absent and did not participate.

MALVIA (JOSEPH ISALA) ON H.C.**S133743**

Petition for writ of habeas corpus denied.
Werdegar, J., was absent and did not participate.

JACKSON (ALFRED) ON H.C.**S133755**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegar, J., was absent and did not participate.

BROWN (JASON) ON H.C.**S133757**

Petition for writ of habeas corpus denied.
Werdegar, J., was absent and did not participate.

HOPSON (BOBBY R.) ON H.C.**S133763**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegar, J., was absent and did not participate.

GANDY (ADAM) ON H.C.**S133765**

Petition for writ of habeas corpus denied.
Werdegar, J., was absent and did not participate.

WARD (TOMMY LEWIS) ON H.C.**S133766**

Petition for writ of habeas corpus denied.
Werdegar, J., was absent and did not participate.

DURANT (ARMAN J.) ON H.C.

S133767**ARZANI (FARIBORZ) ON H.C.**Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Werdegar, J., was absent and did not participate.

S133775**FELIX (CAYETANO R.) ON H.C.**Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Benoit* (1973) 10 Cal.3d 72.)

Werdegar, J., was absent and did not participate.

S133777**AVEY (DON) ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133781**HENDERSON (JOHNDELL)
ON .C.**Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

Werdegar, J., was absent and did not participate.

S133813**SALAZAR (CARLOS H.) ON
H.C.**Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Werdegar, J., was absent and did not participate.

S133815**ANAYA (JOSEPH
ANTHONY) ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133816**BALZARINI (ST. MICHAEL
DOC) ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133839**WHITEHEAD (WALTER J.)
ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133842**HALL (LAVELL) ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133843**LOTT (JONATHAN) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lessard* (1965) 62 Cal.2d 497, 503.)

Werdegar, J., was absent and did not participate.

S133905**ALAS (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133931**HARO (TOMMY) ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S133987**MENA (JAVIER) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709.)

Werdegar, J., was absent and did not participate.

S134566**SAFFOLD (TONY EUGENE)
ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S135991**JENSON (JAMES) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Rosenkrantz* (2002) 29 Cal.4th 616, 658, 682; *In re Dannenberg* (2005) 34 Cal.4th 1061, 1084; *People v. Bradley* (1969) 1 Cal.3d 80, 86.)

Werdegar, J., was absent and did not participate

S136141**JACKSON (JULIUS L.) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)

Werdegar, J., was absent and did not participate.

S136198**HEBNER (ALFRED) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)

Werdegar, J., was absent and did not participate.

S136340**ESTRADA (LEONARDO)
ON H.C.**

Petition for writ of habeas corpus denied.
Werdegar, J., was absent and did not participate.

S136428**MILLS (THOMAS K.) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Werdegar, J., was absent and did not participate.

S137218**HENDERSON (JOHNDELL)
ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)
Werdegar, J., was absent and did not participate.

S137646**BRATTON (HENRY R.) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Rosenkrantz* (2002) 29 Cal.4th 616; *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Fain* (1976) 65 Cal.App.3d 376.)
Werdegar, J., was absent and did not participate.

S138979**CADE (LAFAYETTE) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegar, J., was absent and did not participate.

S139096**SINGLER (RONALD) ON
H.C.**

Petition for writ of habeas corpus denied.
Kennard and Moreno, JJ., are of the opinion an order to show cause should be issued.
Werdegar, J., was absent and did not participate.

S139921**CADE (LAFAYETTE) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Clark* (1993) 5 Cal.4th 750.)
Werdegar, J., was absent and did not participate.

S141780**HUERTA (JUAN MANUEL)
ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Dixon* (1953) 41 Cal.2d 756.)

Werdegar, J., was absent and did not participate.

S141791

**CAROTHERS (JOHN) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Clark* (1993) 5 Cal.4th 750.)

Werdegar, J., was absent and did not participate.

S141857

**NOLLNER (WILLIAM W.)
ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770,780.)

Werdegar, J., was absent and did not participate.

S141866

**ROBINSON (JUANARD) ON
H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S141971

**SHERMAN (JOSEPH A.) ON
H.C.**

Petition for writ of habeas corpus denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921; *In re Dixon* (1953) 41 Cal.2d 756; *In re Miller* (1941) 17 Cal.2d 734.)

Werdegar, J., was absent and did not participate.

S142010

JOHNSON (ERIC) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

Werdegar, J., was absent and did not participate.

S142024

MCCOY (DENBO) ON H.C.

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709; *In re Lessard* (1965) 62 Cal.2d 497, 503.)

Werdegar, J., was absent and did not participate.

S142070**PEYTON (LEE) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

Werdegar, J., was absent and did not participate.

S142091**AHSLIP (BUDDAUH) ON H.C.**

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S142117**BALTIERRA (RONALD S.) ON H.C.**

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S142164**TAPIA-FIERRO (JOSE) ON H.C.**

Petition for writ of habeas corpus denied.

Werdegar, J., was absent and did not participate.

S141263

B184197 Second Appellate District, Div. 5

V. (TRENT), IN RE

Publication request denied.

Werdegar, J., was absent and did not participate.

S141686

B176874 Second Appellate District, Div. 5

ENDRES v. MORAN

Depublication request denied .

Werdegar, J., was absent and did not participate.

S141694

D046495 Fourth Appellate District, Div. 1

R. (BRIAN), IN RE

Publication request denied.

Werdegar, J., was absent and did not participate.

S136498

C044964 Third Appellate District

PEOPLE v. SCOTT

Extension of time granted.

to May 12, 2006 to file appellant's reply brief on the merits.

S139609

A105164

First Appellate District, Div. 5

PEOPLE v. PITTO

Extension of time granted to May 10, 2006 , for appellant to file the answer brief on the merits.

S141631 B188666 Second Appellate District, Div. 3 **JOHNSON v. S.C. (PEOPLE)**

Extension of time granted. Respondent's time to serve and file the answer to petition for review is extended to and including April 24, 2006. Petitioner will then have ten (10) days from the date of filing of the answer in which to file a reply.

S142038 B179325 Second Appellate District, Div. 4

**PREMIER MEDICAL
MANAGEMENT SYSTEMS INC. v.
CALIFORNIA INSURANCE
GUARANTEE ASSOC.**

Extension of time granted to April 17, 2006 to file appellant's (Premier Medical Management Systems, Inc.) reply brief.

S015008

PEOPLE v. SCHMECK (MARK L.)

Motion denied (confidential)

S019697

PEOPLE v. WARD (CARMEN)

Order appointing Habeas Corpus Resource Center filed

On the court's own motion, the order appointing Robert F. Howell as appellate and habeas corpus counsel of record for condemned prisoner Carmen Lee Ward, filed September 15, 1994, is hereby vacated as to all further habeas corpus/executive clemency representation.

Howell continues to be responsible for all remaining appellate duties set forth in Supreme Court Policies Regarding Cases Arising From Judgments of Death, policy 3, standards 1-1 and 2-1.

The Habeas Corpus Resource Center is hereby appointed to represent condemned prisoner Carmen Lee Ward for all habeas corpus/executive clemency proceedings related to the above automatic appeal now final in this court.

Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From

Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750,

774-782), in light of prior habeas corpus counsel's failure to discharge his duty to investigate and, if appropriate, present a habeas corpus petition on behalf of condemned prisoner Carmen Lee Ward.

Howell is directed to deliver to the Habeas Corpus Resource Center, within 30 days from the filing of this order, all clerk's and reporter's transcripts in *People v. Ward* (S019697), all habeas corpus

investigation work product and trial files, and all investigation reports and related materials obtained from condemned prisoner Carmen Lee Ward's trial counsel, paralegals, experts and investigators, or from any other source.

Werdegar, J., was absent and did not participate.

S058537

PEOPLE v. COLLINS (SCOTT FORREST)

Respondent's Motion for "Release of Sealed Records Necessary to Respond to Issues raised by Petitioner in his Petition for Writ of Habeas Corpus," filed on February 14, 2006, is granted.

The clerk is directed to provide respondent with copies of the following material from the record in *People v. Collins*, S058537:

1. December 19, 1996 Proceedings before Hon. Howard J. Schwab, Judge of the Los Angeles County Superior Court (Sealed R.T., pp. 6971-6973).

2. "Ex Parte Request for the Appointment of Investigator; Memorandum of Points and Authorities and Declaration of Counsel," dated July 16, 1993 (Sealed C.T., pp. 1801-1807).

On the court's own motion, the clerk is also directed to unseal the above-referenced material for all purposes. Werdegar, J., was absent and did not participate.

S059531**PEOPLE v. REDD (STEPHEN MORELAND)**

Good cause appearing therefore (see Cal. Rules of Court, rule 31.2(a)(4)), respondent's "Request for Transcript of the October 23, 1996 Marsden Hearing," filed March 1, 2006, is granted. The clerk is directed to photocopy pages 1257-1281 of the sealed reporter's transcript and transmit them to respondent. On the Court's own motion, the clerk is directed to unseal pages 1257-1281 of the sealed reporter's transcript.

Werdegar, J., was absent and did not participate.

S062180**PEOPLE v. VALDEZ (RICHARD)**

Appellant's "Motion to Partially Unseal Reporter's Transcripts of Proceedings Conducted In Camera as to Appellate Counsel Only," filed on December 29, 2005, is granted as follows. The clerk is to provide a copy to appellant's counsel, Deputy State Public Defender Raoul Schonemann, of the following sealed records only: (1) the September 29, 1995 in camera hearing conducted by Judge Bascue (Reporter's Transcript of Grand Jury Proceedings, BA108995, Vol. 5, pp. 1-29); (2) the November 7, 1995 in camera hearing conducted by Judge Dukes (RT 54-91); (3) the March 18, 1996 in camera hearing conducted by Judge Czuleger (RT 186-277); (4) the September 20, 1996 in camera hearing conducted by Judge Trammell (RT 707-730); and (5) the October 25, 1996 in camera hearing conducted by Judge Trammell (RT 2177-2181).

It is further ordered that Deputy State Public Defender Raoul Schonemann not release, or cause to be released, the above-referenced transcripts of these proceedings or the information contained therein, to any person, including appellant Richard Valdez, but excepting counsel's supervising attorneys at the Office of the State Public Defender, without further order of the court. Counsel's supervising attorneys at the Office of the State Public Defender are also bound by the terms of this protective order set forth above.

Counsel is reminded that, if counsel wishes to quote, cite, disclose, or describe the above-referenced transcripts in any court papers, those papers must themselves be filed or lodged under seal.

The clerk is directed to maintain the above-referenced transcripts under seal.

Werdegar, J., was absent and did not participate.

S019697**PEOPLE v. WARD (CARMEN)**

Order filed

In conjunction with the order filed this day vacating the habeas corpus/executive clemency appointment of Robert F. Howell as counsel of record on behalf of condemned prisoner Carmen Lee Ward in the above automatic appeal now final in this court, Howell is hereby ordered to reimburse this court the sum of \$8,500. (See Guidelines for Fixed Fee Appointments, on Optional Basis, to Automatic Appeals and Related Habeas Corpus Proceedings in Cal. Supreme Ct., guideline 11 ["Court Action Upon Nonperformance of Work, and Reimbursement of Fees Upon Authorized Withdrawal of Appointed Counsel"], subpt. B.)

Werdegar, J., was absent and did not participate.

S107782**WELCH (DAVID E.) ON H.C.**

Respondent's "Application to file exhibit under seal" filed on February 21, 2006, is granted. The clerk of this court is directed to file Exhibit D to the return to the order to show cause under seal.

Werdegar, J., was absent and did not participate.

S133464

B178884 Second Appellate District, Div. 5

**MICHAELIS, MONTANARI & JOHNSON
v. S.C. (CITY OF LOS ANGELES)**

Order filed.

Real parties in interest's "Motion to Continue Oral Argument", filed April 10, 2006, is denied.

S134920

B173649

Second Appellate District, Div. 1

**AUERBACH v.
ASSESSMENT APPEALS
BOARD NO. 1 FOR THE
COUNTY OF LOS ANGELES,
NORTHERN TRUST BANK OF
CALIFORNIA**

Motion denied

The motion to strike the amicus curiae brief of Stephen H. Bennet, by Richard Auerbach, as Assessor, is denied. Werdegar, J., was absent and did not participate.

